

Although the United Kingdom (UK) maintained a largely open press environment in 2014, the use of counterterrorism and surveillance legislation by the authorities had a negative effect on media freedom.

Legal Environment

The legal framework provides for freedom of the press, and the government generally respects this right in practice. While antiquated legal provisions that criminalized both blasphemy and blasphemous libel were abolished in 2008, several laws that weaken press freedom remain in place. In the aftermath of the 2005 terrorist bombings on London's mass transit system, the government passed the 2006 Terrorism Act, certain provisions of which criminalize speech that is considered to encourage terrorism, even in the absence of a direct, proven link to a specific terrorist act. David Anderson, the Independent Reviewer of Terrorism Legislation, warned in his 2014 review that bringing "journalism and blogging within the ambit of 'terrorism' (even if only when they are practised irresponsibly) encourages the 'chilling effect.'" The 2006 Racial and Religious Hatred Act criminalized incitement of religious hatred or violence, and using threatening words or behavior or displaying or broadcasting any threatening material is considered an offense if the intended purpose is inciting religious hatred. While there have not been relevant cases against media organizations under this legislation, the UK's interpretation of hate speech tends to be restrictive.

The media can be required to turn over reporting materials to the police under the 1984 Police and Criminal Evidence Act. In a scandal that broke in October 2014, police admitted they had used the Regulation of Investigatory Powers Act (RIPA) to obtain journalists' phone records, thereby bypassing legislation that protects journalistic sources.

In July 2014, Parliament passed the Data Retention and Investigatory Powers (DRIP) Act in an emergency procedure to substitute for existing legislation. The European Court of Justice (ECJ) had struck down the basis for the previous, 2009 law in April. Like its predecessor, DRIP compels telecommunications companies to store communications data for up to 12 months. The far-reaching regulation also authorizes the interception of communications outside the UK, enabling the authorities to, for example, tap webmail servers based outside the country.

A privacy injunction can be sought to prohibit the publication of private or confidential information. The number of injunctions has declined in the past few years, and there were no new applications for an injunction during the first half of 2014. On rare occasions in the past, the courts have imposed so-called superinjunctions that forbid the media from reporting on the existence of the injunction itself.

In a positive step, libel laws in England and Wales that heavily favored the plaintiff and led to the emergence of the infamous phenomenon of "libel tourism" were significantly overhauled in 2013. The Defamation Act redefined the threshold for defamation to include only "serious" harm, shifting the balance between reputation and free speech in favor of the latter. The act protects website operators, internet service providers (ISPs), and other intermediaries from being sued based on user-generated content, such as comments; it also makes it more difficult for foreigners to bring libel cases in the UK unless they prove it is "clearly the most appropriate" place for the suit. In addition, the act codified a public interest defense, replacing the so-called Reynolds defense under common law with a more streamlined procedure under which a statement is protected if its content is in the public interest and the person expressing it reasonably believed its publication to be in the public interest. Despite these changes, the number of libel suits

increased in 2014 over the previous year, and the number of suits over social media posts increased disproportionately, with more than four times as many complaints as in the same period a year earlier.

In a small victory, legislators removed the offense of insult from the 1986 Public Order Act in 2013. Insult is still an offense on the internet, however. The 2003 Communications Act prohibits any message from being sent through a public electronic communications network that is “grossly offensive or of an indecent, obscene, or menacing character.” After several controversial cases of internet users being prosecuted for posting comments online, the Crown Prosecution Service set up new guidelines for social media in 2013. The guidelines set a high threshold for prosecuting social media communications and advised prosecutors not to pursue a case if the poster “expresses genuine remorse.” In September 2014, the courts sentenced a man to 18 months in prison for sending threatening messages to a member of Parliament on Twitter.

The 2000 Freedom of Information Act, which came into force in 2005, contains a number of broad exceptions. “Absolute” exemptions act as unconditional barriers to the disclosure of information. With “qualified” exemptions, a determination is made as to whether the public interest is better served by withholding or disclosing the information, and a ruling is made on whether to reveal which information has been withheld. Although the law includes 23 such exemptions, civil society groups have praised the Information Commissioner’s Office, which addresses freedom of information complaints. More than 400,000 requests were made between 2005 and 2014. In March 2014, an appeals court ruled that the letters of Prince Charles—written to British politicians and government officials and referred to as the “black spider memos”—could be handed over to the *Guardian*. The newspaper first requested them in 2005, and former attorney general Dominic Grieve vetoed their publication in 2012, arguing it could undermine the perception of the prince as a politically neutral actor.

Broadcast media are regulated by the Office of Communications (Ofcom). Until recently, the print sector operated under a voluntary, self-regulating mechanism, overseen by a Press Complaints Commission whose rulings had no legal force. In response to the 2011 *News of the World* phone-hacking scandal, the 2012 Leveson report stemming from a public inquiry recommended the establishment of an independent regulatory body for print media with statutory underpinnings. In 2013, the government created a new regulatory system through an arcane legal mechanism, the royal charter. Proponents of the model argued that the mechanism provides a press regulator that is free from interference from both the political sphere and the newspaper industry. Critics and the majority of the newspaper industry, however, claimed that any regulation beyond self-regulatory mechanisms could be harmful. Under this new system of “co-regulation,” a recognition panel of six independent members was established in November 2014. The body will assess self-regulatory organs set up by the industry and decide whether they adhere to the Leveson criteria, such as independence from the industry and politics, the existence of a speedy complaints mechanism, and appropriate sanctions. Once the system is set up, newspapers that decline to participate could be subject to punitive damages. A provision added to eliminate political interference makes amendments to the charter possible only by a two-thirds majority in both houses of Parliament and the unanimous agreement of the recognition panel. The newspaper industry argued that the process of adopting the new regulator was not transparent and launched its own regulator, the Independent Press Standards Organization (IPSO), in September 2014. Although it received staunch criticism from victims of press intrusion, the vast majority of national newspapers—except for a few major outlets such as the *Guardian*, the *Financial Times*, and the *Independent*—supported the new organization. IPSO already announced they will not seek recognition under the royal charter. An alternative body, the IMPRESS Project, was also launched in 2014.

In 2014, a jury acquitted the former head of the *News of the World*, Rebekah Brooks, of all charges related to the phone-hacking scandal, in which it was revealed in 2011 that her paper and others published by

News International were hacking telephones, bribing police, and engaging in other improper as well as criminal conduct in pursuit of stories. Five other defendants were found guilty, including Andy Coulson, communications director of Prime Minister David Cameron between 2007 and 2011.

Surveillance laws gained public attention in 2013 after the story broke of large-scale surveillance of telephone and internet communications by the U.S. National Security Agency (NSA) and its British counterpart, the Government Communications Headquarters (GCHQ). Police have used surveillance legislation to obtain journalistic material.

Political Environment

There are no restrictions on internet access in the UK. Physical attacks on the media are rare. However, journalists working in Northern Ireland have repeatedly faced threats and harassment. As of the end of 2014, no one had been brought to justice for the 2001 murder of journalist Martin O'Hagan, who is believed to have been killed for his investigations into cooperation among Northern Ireland police, military intelligence officials, illegal armed groups, and drug gangs. In September, Dunja Mijatović, the media freedom representative of the Organization for Security and Co-operation in Europe (OSCE), called for a new investigation into his death.

The offices of the *Guardian*, which published the leaks received from former NSA contractor Edward Snowden, came under various types of pressure from authorities during 2013, including the forced destruction of journalistic material and computers in the *Guardian* offices and the detention of David Miranda—the partner of investigative journalist Glenn Greenwald, who broke the story—under the Terrorism Act. The High Court ruled Miranda's detention lawful in February 2014, but no further incidents took place that year.

Economic Environment

The United Kingdom has a strong tradition of public broadcasting, and the BBC, which is publicly funded, is editorially independent. A string of sex-abuse scandals involving former and current BBC employees and the awarding of large severance payments to senior staff has seriously damaged the broadcaster's reputation over the past two years.

Ownership of private media outlets is concentrated in the hands of a few large companies, including Rupert Murdoch's News UK, but a variety of national newspapers cover the full range of the political spectrum. At the local level, 60 percent of the market has no local newspaper or only one title serving an area. Following the *News of the World* scandal, critics of the existing media structure, including Lord Justice Brian Leveson, argued for stricter ownership rules and caps on market shares. The BBC offers a wide range of regional and local radio stations, but few commercial news radio stations exist, and the handful in operation are reportedly struggling financially. There are a number of independent terrestrial television news channels, including ITV and BSkyB, and satellite and cable channels are capturing a growing share of the market. In 2014, about 91 percent of UK households had internet access.